

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF JIM                    ) APPEAL NO. 07-A-2643  
MESSERLI from the decision of the Board of        ) FINAL DECISION  
Equalization of Valley County for tax year 2007.    ) AND ORDER

**RESIDENTIAL PROPERTY APPEAL**

THIS MATTER came on for hearing January 16, 2008, in Cascade, Idaho before Hearing Officer Travis Vanlith. Board Members Lyle R. Cobbs, Linda S. Pike and David E. Kinghorn participated in this decision. Appellant Jim Messerli appeared. Assessor Karen Campbell, Chief Deputy Assessor Deedee Gossi and Appraiser June Fullmer appeared for Respondent Valley County. This appeal is taken from a decision of the Valley County Board of Equalization denying the protest of the valuation for taxing purposes of property described as Parcel No. RPC01320040080A.

**The issue on appeal is the market value of a residential property.**

**The decision of the Valley County Board of Equalization is reversed.**

FINDINGS OF FACT

The assessed land value is \$79,260, and the improvements' valuation is \$278,090, totaling \$357,350. Appellant requests the land value remain at \$79,260, and the improvements' value be reduced to \$213,920, totaling \$293,180.

The subject property is a 1,441 square foot single-family residence located in Cascade, Idaho.

Appellant presented sales from 2004 through 2007. The 2006 sales ranged in size between 800 and 2,000 square feet; sale prices ranged between \$205,000 and \$249,800.

Respondent explained that with Ad Valorem mass appraisal, not all assessments would be equal. The County presented two 2005 sales in subject's subdivision. One sale was a

1,632 square foot residence which sold for \$200,000. The other was a 3,000 square foot residence which sold for \$475,000. Subject is 1,441 square feet assessed for \$357,350.

For 2007, the Idaho State Tax Commission mandated the County apply a positive 30% trend to all residential improvements in Cascade. Respondent's sales spreadsheet demonstrated that after applying the positive 30% trend the assessment level on property most similar to subject was measured at 124% of market value.

### CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

Idaho is a market value state for property tax purposes.

Idaho Code § 63-201(10) defines market value:

"Market value" means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

Appellant gave the Board a lot of information to consider, with seven 2006 sales and related property information.

The County presented two 2005 sales and explained the background and results of the positive 30% trend applied to subject's and other properties' base assessments.

Based on the information in the record, we find it more probable than not that subject is valued in excess of market value. The Board relied primarily on the eight 2006 sales data

presented by Appellant versus the two sales presented by the County; one of which was double the size of subject and did not represent subject's market value. The Board finds the assessed value of subject is not well supported and will therefore reverse the decision of the Valley County Board of Equalization.

#### FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Valley County Board of Equalization concerning the subject parcel be, and the same hereby is, reversed lowering the improvements' assessed value to \$213,920, and the land value be left at \$79,260, for a total assessed value of \$293,180.

IT IS FURTHER ORDERED that any taxes which have been paid in excess of those determined to have been due be refunded or applied against other *ad valorem* taxes due from Appellant.

MAILED February 13, 2008